

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY SECOND DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

HON'BLE SRI DEVINDER GUPTA, CHIEF JUSTICE

and

HON'BLE MR JUSTICE C.V.RAMULU

WRIT PETITION NO : 12075 of 2004

Between:

B.Raja Reddy, S/o Mutha Reddy,
R/o Opp: LIC Buildings, Husnabad Village and Mandal, Karimnagar District

..... PETITIONER

AND

- 1 The Government of Andhra Pradesh, Department of Higher Education,
rep.by its Secretary, Secretariat, Hyderabad
- 2 The Commissioner, Technical Education-cum-the Convener,
EAMCET-2004-05, BRKR Bhavan, Andhra Pradesh, Hyderabad
- 3 The All India Council for Technical Education, (A statutory body of the
Government of India), rep.by its Chairman, Indira Gandhi Sports Complex,
I.P.Estate, New Delhi
- 4 The Vivekananda Educational Society, having its Regd.Office at 401, JADE
Arcade, 126, M.G.Road, Secunderabad

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate Writ, Order or direction one in the nature of Mandamus declaring action of the 1st respondent in granting NOC and the subsequent approval granted by the 3rd respondent in favour of the 4th respondent to establish Vivekananda Institute of Technology and Sciences, Bommakal, Karimnagar District, for the academic year 2004-05 as contrary to the AICTE Act and against the Regulations, Norms prescribed by the AICTE and the 3rd respondent herein and set

aside the same and issue a consequential direction to the 2nd respondent not to allot students to the 4th respondent college

Counsel for the Petitioner: MR.C.V.MOHAN REDDY

Counsel for the Respondent Nos.1 & 2.: GP FOR HIGHER EDUCATION

Counsel for the respondent No.3 : Mr. S. Satyanarayana Prasad

Counsel for the respondent No.4 : Mr T. Mahender Rao

And Mr. B. Krishna Mohan Rao, Advocate Commissioner

The Court made the following :

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ORAL ORDER: (Per Hon'ble the Chief Justice):

This writ petition was filed by an Advocate as public interest litigation questioning the action of 1st respondent in granting No Objection Certificate and subsequent approval granted by 3rd respondent in favour of 4th respondent to establish Vivekananda Institute of Technology and Sciences, Bommakal, Karimnagar District, for the academic year 2004-05 as contrary to AICTE Act and against the norms and regulations prescribed by AICTE and 3rd respondent.

Petitioner had alleged that building had been constructed by 4th respondent for establishing a Dental College and was not in accordance with the specifications for an Engineering College fixed by the AICTE. The AICTE without visiting or inspecting the land, building and the infrastructure, relying upon the No Objection Certificate granted by the State Government and in a mechanical manner accorded its approval. Petitioner also alleged that lands were donated to 4th respondent for a different purpose and was misutilised the land for different purpose.

In view of the fact that the petitioner had sworn the affidavit in support of the writ petition stating that building was not at all inconsonance with the norms set up by 3rd respondent for establishing Engineering College, in order to have an idea

about the existing nature of the building, an Advocate- commissioner was appointed who has since submitted a report after carrying out inspection in the presence of the petitioner and the respondents. Conclusions are that 4th respondent has got necessary building, infrastructure and vast land available at its disposal for further improvement to run the engineering college and lab equipment and library available are sufficient to cater to the needs of the First Engineering College students.

The petitioner has tried to object the board and thus would like us to minutely go into each detail that the building is not as per the norms.

Except for bare statement of the petitioner that the building is not inconsonance with the norms of 3rd respondent, there is no material on record to support petitioner's contention. May be that on one or two components of the buildings, there may be slight shortfall, but what is required to be seen is an overall infrastructure available to run an engineering college and even the Advocate-commissioner has opined that the building and infrastructure is as per the norms. There is no other material even to infer that 3rd respondent accorded its approval without actual inspection by its investigating team. In such like matters, hardly there can be interference at the behest of a member of public in public interest litigation petitions.

Accordingly, the writ petition is dismissed. No costs.

DEVINDER GUPTA, C.J.

C.V. RAMULU, J.

Dated: 22-7-2004

Kvrk

To

- 1 The Secretary, Government of Andhra Pradesh, Department of Higher Education, Secretariat, Hyderabad
- 2 The Commissioner, Technical Education-cum-the Convener, EAMCET-2004-05, BRKR Bhavan, Andhra Pradesh, Hyderabad
- 3 The Chairman, The All India Council for Technical Education, (A statutory body of the Government of India), Indira Gandhi Sports Complex, I.P. Estate, New Delhi
4. Two CCs to GP for Higher Education, High Court Buildings, Hyd (OUT)
5. Mr B. Krishna Mohan, Advocate-Commissioner, High Court of A.P. Hyderabad(OUT)
6. Two CD copies.